

**Board of Review
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**Paul T. Fitzgerald, Esq.
Chairman
Charlene A. Stawicki, Esq.
Member
Michael J. Albano
Member**

Issue ID: 0049 0663 23

Introduction and Procedural History of this Appeal

The claimant appeals a decision by a review examiner of the Department of Unemployment Assistance (DUA) to deny the claimant benefits during the period between two successive academic years or terms, from June 28, 2020, through September 12, 2020. We review, pursuant to our authority under G.L. c. 151A, § 41, and affirm.

On September 22, 2020, the agency determined that the claimant was not entitled to unemployment benefits. The claimant appealed, and both parties attended the hearing. In a decision rendered on October 16, 2020, the review examiner affirmed the agency determination, concluding that the claimant had reasonable assurance of reemployment for the upcoming academic year or term, and, thus, was disqualified under G.L. c. 151A, § 28A. The Board accepted the claimant's application for review.

Ruling of the Board

After considering the recorded testimony and evidence from the hearing, the review examiner's decision, and the claimant's appeal, we conclude that the review examiner's decision is based on substantial evidence and is free from any error of law affecting substantive rights.

The review examiner's decision is affirmed. The claimant is denied regular unemployment benefits for the period beginning on June 28, 2020, through August 29, 2020.

Because the claimant's offer of summer school employment was not extended to her due to COVID-19, she may be eligible to apply for Pandemic Unemployment Benefits (PUA). The claimant may call the PUA call center at (877) 626-6800, and ask to speak to a Tier 2 PUA Supervisor.

BOSTON, MASSACHUSETTS
DATE OF DECISION - December 3, 2020



Paul T. Fitzgerald, Esq.
Chairman



Michael J. Albano
Member

Member Charlene A. Stawicki, Esq. did not participate in this decision.

**ANY FURTHER APPEAL WOULD BE TO A MASSACHUSETTS
STATE DISTRICT COURT
(See Section 42, Chapter 151A, General Laws, Enclosed)**

The last day to appeal this decision to a Massachusetts District Court is thirty days from the mail date on the first page of this decision. If that thirtieth day falls on a Saturday, Sunday, or legal holiday, the last day to appeal this decision is the business day next following the thirtieth day.

To locate the nearest Massachusetts District Court, see:
www.mass.gov/courts/court-info/courthouses

Please be advised that fees for services rendered by an attorney or agent to a claimant in connection with an appeal to the Board of Review are not payable unless submitted to the Board of Review for approval, under G.L. c. 151A, § 37.

JPCA/rh